UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
--X
MELESIO ANTONIO, individually and on
behalf of all others similarly situated,

                       Plaintiff,

           -against-   21 **CIVIL** 1871 (LGS)

                                                     DEFAULT JUDGMENT

SIPSAK INC. (D/B/A SIP SAK) and
MELISSA YEGEN,

                       Defendants.
--X

       It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons

stated in the Court's Order dated October 3, 2022, the Report is adopted in part and adopted as

modified in part as follows: Plaintiff's $59,803.73 award of prejudgment interest, for the period

from the midpoint of his employment until his damages submission was filed on October 29,

2021, is modified to add an additional $17,234.51 per annum from October 29, 2021, until the

date judgment is entered. The amount $17,234.51 represents nine percent of the amount of

Plaintiff's damages award for unpaid overtime and spread-of-hours wages before adding

liquidated damages. See CPLR §§ 5001, 5004; Reyes v. Cafe Cousina Rest. Inc., No. 18 Civ.

1873, 2019 WL 5722475, at *13 (S.D.N.Y. Aug. 27, 2019), report and recommendation adopted,

2019 WL 5722109 (S.D.N.Y. Oct. 7, 2019) (adding prejudgment interest from the date of the

damages submission until judgment is entered); see Maldonado v. La Nueva Rampa, Inc., No. 10

Civ. 8195, 2012 WL 1669341, at *11 (S.D.N.Y. May 14, 2012) (calculating interest on only

compensatory damages, not liquidated damages). Plaintiff Antonio is awarded $452,792.73, plus

$17,234.51 per annum in pre-judgment interest from October 29, 2021, until the date of

judgment, in the amount of $16,054.06. Plaintiff Antonio is awarded post-judgment interest, to

be calculated from the date the Clerk of Court enters judgment in this action, using the federal

rate set forth in 28 U.S.C. § 1961. Plaintiff is awarded attorneys' fees and costs in the amounts of

$4,330.00 and $402.00, respectively. Default Judgment is entered against Defendants;

accordingly, the case is closed.

Dated: New York, New York

October 4, 2022

RUBY J. KRAJICK

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Clerk of Court

BY: K. mango

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Deputy Clerk